

MAHSA PARVIZ
P.O. Box 13900
Seattle, WA 98198
bparviz@collin.edu
(972) 375-1202
Petitioner



FEB 12 2024

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

MAHSA PARVIZ
Petitioner,

Case No. 2:23-cv-01407-JHC-DWC

v.

H. BARRON
Warden, FDC SeaTac,

MOTION FOR ENTRY OF
ORDER GRANTING § 2241
PETITION (Dkt. 9) AND
INSTANTER RELEASE

C. PETERS
Director, Bureau of Prisons,
Respondents.

[NOTE ON MOTION CALENDAR:
February 9, 2024]

Comes now, MAHSA PARVIZ, Petitioner,
and moves this Court to grant a writ of
habeas corpus under 28 U.S.C. § 2241. Dkt. 9.
and direct the BOP to release Petitioner instanter.

I. INTRODUCTION On January 9, 2024, the Court entered an
Order for Service and Return of § 2241 Petition.
Dkt. 16. Respondents accepted electronic
service via the Court's CM/ECF system
on January 9, 2024 and entered a Notice
of Appearance thereafter. ^(Dkt. 20) The record
also reflects that Respondents received service
by registered or certified mail and both return
receipts have been filed. Dkt. 21 and 22.

II. ARGUMENT Respondents have failed to answer

within 30 days of accepting service on January 9, 2024 electronically via the Court's CM/ECF system. Having failed timely filing of a return as provided in 28 U.S.C. § 2243, this Court should consider Respondents' position as non-opposition and acceptance of all facts within the Petition for § 2241 relief as true. Dkt. 9.

Because Respondents have not shown cause why a writ of habeas corpus should not be granted, the Court should grant Petitioner's habeas petition, and the BOP should be directed to recalculate Petitioner's time credits to include the 516 days under 18 U.S.C. § 3585 to which Petitioner is entitled, and 310 days of ETCs to which she is entitled under the FSA, (Dkt. 9) for the period of July 12, 2021 to February 9, 2024. This Court should find that a total of 826 days shall be credited to Petitioner and that the BOP should be directed to release Petitioner *instantly* as Petitioner ~~has~~ been held in custody of the BOP in excess of her lawful sentence.

Petitioner has provided notice of the instant motion via USPS First Class mail on Monday, February 5, 2024 at the US Habeas Attorneys Office address of record. Petitioner has maintained telephonic contact with Ms. Corey Endo at the Federal Public Defender's Office, who have assisted Petitioner as stand-by counsel throughout filing the instant petition. Additional attempts to contact counsel for Respondents would be futile in light of their failure to timely answer as Ordered by this Honorable Court on January 9, 2024 (Dkt. 16) and the unconstitutional ongoing imprisonment of Petitioner in excess of her lawful sentence. Petitioner has presently served approximately 5 months of imprisonment by the BOP in excess and each day that goes by constitutes an unlawful detention and imprisonment in violation of the Constitutional protections to Due Process and to be free from the miscarriages of justice detailed herein.

III. CONCLUSION

Accordingly, Petitioner's § 2241 Petition (Dkt. 9) should be granted, and the BOP should be directed to recalculate

Petitioner's time credits to include an additional 826 days of time credit and the BOP should be directed to release Petitioner from custody *instantly*.

CERTIFICATE OF SERVICE

I hereby swear under penalty of perjury that I served the foregoing motion of all counsel of record via USPS First Class mail on Friday, February 9, 2024 at the following addresses:

US Attorney Habeas
Attn: Lyndsie Rebecca Schmalz
700 Stewart St. #5220
Seattle, WA 98101

Federal Public Defenders Office
Attn: Corey Endo
1601 Fifth Ave. #700
Seattle, WA 98101

VERIFICATION

I hereby verify that the foregoing motion is true and correct and the facts therein are under penalty of perjury of the laws of the United States. Executed on the 9th of February, 2024 at Seattle, Washington

Dated: February 9, 2026

Pg. 4 of 4


MAHSA PARVIZ

In re: Cause No. 2:23-cv-01407-JHC-DWC

Dear Clerk,

Please file the enclosed Motion for Entry of Order Granting § 2241 Petition (Dkt. 9) And Instant Release in the above-numbered cause and note the motion for consideration on the motion calendar on February 9, 2024, or the same-day which it is received and filed.

If you have questions, you may contact me at BPARVIZ@COLLIN.EDU or (972)375-1202. Thank you so much for all your help!



FEB 12 2024

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BY

DEPUTY

Respectfully submitted,

Mahsa Parviz

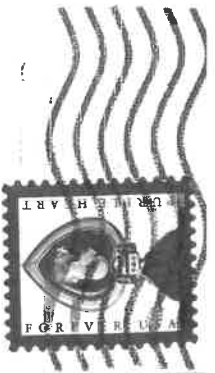
Petitioner

FEDERAL DETENTION CENTER
NAME: Mahsa Parviz
REG: S4652509 UNIT: DA
P.O. BOX 13900
SEATTLE, WA. 98198-1090

FEB 12 2024



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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

DEPUTY

BY
US District Court Western Washington
Attn: Clerk (file in No. 2:23-cv-01407-JHC-DWC)

700 Stewart St,

Seattle WA 98101

58401-44257

